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**NOTICE OF ALLOWANCE
AND BASE ISSUE FEE DUE**

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All communications regarding this application should give the serial number, date of filing, name of applicant, and batch number.

Please direct all communications to the Attention of "OFFICE OF PUBLICATIONS" unless advised to the contrary.

 The application identified below has been examined and found allowable for issuance of Letters Patent. PROSECUTION ON THE MERITS IS CLOSED.

	SC/SERIAL NO.	FILING DATE	TOTAL CLAIMS	DATE MAILED	EXAMINER AND GROUP ART UNIT
	06/043,925	05/30/79	009	08/29/80	ROBINSON, A 125
First Named Applicant	JONAS		R		

 TITLE OF INVENTION
(This may have been amended by Exam)

PHENOXY-AMINO-PROPANOLS

BASE FEE COMPUTATION	BASE FEE DUE	ATTY'S DOCKET NO.	CLASS - SUBCLASS	BATCH NO.
\$100 + 0 (for dwg. @ \$2 per sheet) + \$10 = 110		MERCK473	424-330000	A03

The complete Issue Fee is one hundred dollars (\$100) plus two dollars (\$2) for each sheet of drawing, plus ten dollars (\$10) for each printed page of specification (including claims) or portion thereof. Inasmuch as the final number of printed pages cannot be determined in advance of printing, an initial **BASE ISSUE FEE** (consisting of the fee for printing the first page of specification (\$10) plus the fee of (\$2) for each sheet of drawing, added to the fee of \$100) **MUST BE PAID WITHIN THREE MONTHS FROM THE DATE OF THIS NOTICE**, or the application shall be regarded as **ABANDONED**. The Base Issue Fee will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the Patent and Trademark Office.

In order to minimize delays in the issuance of a patent based on this application, this Notice may have been mailed prior to completion of final processing by the Examining Group. It is recognized that the nature and/or extent of the remaining revision or processing requirements may cause slight delays in the printing of the patent. In addition, if prosecution is to be reopened, this Notice of Allowance will be vacated and the appropriate Office action will follow in due course. If the base issue fee has already been paid and prosecution is reopened, the applicant may request a refund or request that the fee be credited to a Deposit Account. However, applicant may wait until the application is either found allowable or held abandoned. If allowed, upon receipt of a new Notice of Allowance, applicant may request that the previously submitted base issue fee be applied. If abandoned, applicant may request refund or credit to a Deposit Account.

In the case of each patent issuing without an assignment, the complete post office address of the inventor(s) will be printed in the patent heading and in the Official Gazette. If the inventor's address is now different from the address which appears in the application, please fill in the information in the spaces provided on PTOL-85c enclosed. If there are address changes for more than two inventors, enter the additional addresses on the reverse side of the PTOL-85c.

The appropriate spaces in the ASSIGNMENT DATA section of PTOL-85b must be completed in all cases. If it is desired to have the patent issue to an assignee, an assignment must have been previously submitted to the Patent and Trademark Office or must be submitted herewith as required by 37 C.F.R. 1.334. Where there is an assignment, the assignee's name and address must be provided on the PTOL-85b to insure its inclusion in the printed patent.

Advance orders for 10 or more printed copies of the prospective patent can be made by completing the information in Section 4 of PTOL-85b and submitting payment therewith. If use of a Deposit Account is being authorized for payment, PTOL-85c should also be forwarded. The order must be for at least 10 copies and must accompany the issue fee. The copies ordered will be sent only to the address specified in section 1 or 1A of PTOL-85b.

If an additional fee is due, a Notice of Balance of Issue Fee Due will be mailed together with the patentee's copy of the patent. Payment must be made within three months from the date shown on said Notice since **FAILURE TO PAY THIS BALANCE WITHIN THE SPECIFIED PERIOD WILL RESULT IN LAPSE OF THE PATENT.**

☐ Note attached communication from Examiner.
IMPORTANT

ATTENTION IS DIRECTED TO 37 C.F.R. 1.334

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 THE PATENT WILL ISSUE TO APPLICANT
UNLESS AN ASSIGNEE IS SHOWN IN
ITEM 3 ON FORM PTOL-85b, ATTACHED

PART III

SERIAL
NUMBER

43,925

GROUP ART UNIT
125

NOTIFICATION OF REJECTION(S) AND/OR OBJECTION(S) (35 USC 132)

	CLAIMS (1)	REASONS FOR REJECTION (2)	REFERENCES * (3)	INFORMATION IDENTIFICATION AND COMMENTS (4)
1	1,3,6+ 7	35 USC 112 par. 2		Claim 1, Line 1 after the formula, the word "or" should be changed to a comma; and Line 2 after the formula, a comma should be inserted after "ethyl" to put
2				said claim in better form. Claim 6 is indefinite in failing to set forth proper alternative and/or Markush Language. Claim 7 is too broad and indefinite in failing to set forth all relative proportions for all ingredients. (Cont. par. 7)
3	1-9	35 USC 103	A+B+C+D+E+ F+G+H+I+ L+M+N+O+ P	E, A, B, L, N, O + D Teach that compds of the type claimed old pharmaceuticals. C, M, F, G, I, H + P Teach that compds containing similar substituents
4				on the "phenyl ring" of applicants' compds possess the same pharmaceutical activity. Applicants' claims are deemed obvious in view of the above prior art in the absence of evidence to the contrary.
5				The status of SW 839,487, filed 10/4/77 should be indicated in the specification.
6				The amendments filed 5/30/79 have been received.
7				The expression "a pharmaceutically effective amount" (claim 7) is indefinite.

* Capital letters representing references are identified on accompanying Form PTO-892
The symbol "v" between letters represents - in view of -
The symbol "+" or "&" between letters represents - and -
A slash "/" between letters represents the alternative - or -

NOTE: Sections 100, 101, 102, 103, and 112 of the Patent Statute
(Title 35 of the United States Code) are reproduced on the
back of this sheet.

EXAMINER

TEL. NO.
(703) - 557 2575

Allen J. Robinson
Examiner
Art Unit 125

35 U.S.C. 100. Definitions. When used in this title unless the context otherwise indicates —

- (a) The term "invention" means invention or discovery.
- (b) The term "process" means process, art or method, and includes a new use of a known process, machine, manufacture, composition of matter, or material.
- (c) The terms "United States" and "this country" mean the United States of America, its territories and possessions.
- (d) The word "patentee" includes not only the patentee to whom the patent was issued but also the successors in title to the patentee.

35 U.S.C. 101. Inventions patentable. Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

35 U.S.C. 102. Conditions for patentability; novelty and loss of right to patent. A person shall be entitled to a patent unless —

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for patent, or
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States, or
- (c) he has abandoned the invention, or
- (d) the invention was first patented or cause to be patented by the applicant or his legal representatives or assigns in a foreign country prior to the date of the application for patent in this country on an application filed more than twelve months before the filing of the application in the United States, or
- (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or
- (f) he did not himself invent the subject matter sought to be patented, or
- (g) before the applicant's invention thereof the invention was made in this country by another who had not abandoned, suppressed, or concealed it. In determining priority of invention there shall be considered not only the respective dates of conception and reduction to practice of the invention, but also the reasonable diligence of one who was first to conceive and last to reduce to practice, from a time prior to conception by the other.

35 U.S.C. 103. Conditions for patentability; non-obvious subject matter. A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

35 U.S.C. 112. Specification. The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention. A claim may be written in independent or dependent form, and if in dependent form, it shall be construed to include all the limitations of the claim incorporated by reference into the dependent claim.

An element in a claim for a combination may be expressed as a means or step for performing a specified function without the recital of structure, material, or acts in support thereof, and such claim shall be construed to cover the corresponding structure, material, or acts described in the specification and equivalents thereof.